

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Wary et al.

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ART UNIT: 1636

FILED: March 29, 2004

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§ EXAMINER:

Nguyen, Quang

SERIAL NO.: 10/812,238

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CONFIRMATION NO.

FOR: Uses of Vascular Endothelial Growth
Factor And Type I Collagen Inducible
Protein (VCIP).

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3362

DOCKET:

D6563

MS Non-Fee Amendment

Commissioner of Patents

P.O. Box 1450

Alexandria, VA 22313

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

In response to the Examiner communication mailed December 28, 2005, Applicant hereby elects with traverse Group II, claims 10-11, 16-17 and 27-33, drawn to a method of inhibiting cell-cell interaction or treating a patient having a pathological condition resulting from integrin-mediated cell-cell interaction or inhibiting angiogenesis and the formation of capillaries in a patient, the method comprising the step of blocking the binding of integrins to VCIP by an antibody directed against a peptide derived from VCIP; an antibody directed against a peptide derived from VCIP and a diagnostic kit comprising the same antibody. Further, in response to species election, Applicants elect angiogenesis in claims 14 and 20 and tumor growth in claim 21, without traverse. Applicant submits that claims 8-11, 14-17, 20-21 and 27-33 are readable on the elected species.


Applicant further requests that Group III, claims 12-13, 18-19, 22-24 and 34-35 be rejoined with Group II, claims 10-11, 16-17 and 27-33 for examination. Group III is drawn to a method of inhibiting cell-cell interaction or treating a patient having a pathological condition resulting from integrin-mediated cell-cell interaction or inhibiting angiogenesis and formation of capillaries in a patient, the method comprising the step of blocking the binding of integrins to VCIP by a peptide derived from VCIP; a peptide derived from VCIP. The Examiner contends that Groups II and III are distinct because they are drawn to methods having different starting materials without any substantial common core structure. Applicant respectfully disagrees.

Applicant submits that although the method in Group II comprises the step of blocking the binding of integrins to VCIP by an antibody directed against a peptide derived from VCIP and the method in Group III comprises the step of blocking the binding of integrins to VCIP by a peptide derived from VCIP, the sequence of the VCIP peptide (SEQ ID No. 2) used to generate the antibody encompasses the sequence of peptide derived from VCIP (SEQ. ID Nos. 20, 23) used to block the binding of the integrins. Hence, the starting materials in Group II and Group III have a common core structure i.e. the peptides comprise a CRGDD sequence and same desired end result (i.e. inhibiting cell-cell interaction). Therefore, Group II and III are not distinct inventions. As a result, prior art search for invention of Group II will also encompass invention of Group III. Hence, the examination of Groups II and III together will not pose a serious burden on the Examiner. Accordingly, the Applicant respectfully requests that

Group III, claims 12-13, 18-19, 22-24 and 34-35 be joined with Group II, claims 10-11, 16-17 and 27-33 for examination.

Respectfully submitted,

Date: 3/7/05
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